

May 7 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

Case No. DA 10-0097

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LARRY DIMARZIO,

Appellant,

vs

CRAZY MOUNTAIN CONSTRUCTION, INC.  
a Montana corporation, F.L. DYE COMPANY, a  
Montana corporation, BRIDGER GLASS &  
WINDOWS, INC, a Montana corporation,

Appellees.

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**FILED**

MAY 07 2010

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CLERK OF THE SUPREME COURT  
STATE OF MONTANA

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**APPELLANT LARRY DIMARZIO'S UNOPPOSED MOTION FOR  
EXTENSION OF TIME IN WHICH TO FILE OPENING BRIEFS**

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On Appeal from the Montana Eighteenth Judicial District Court, Gallatin County

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Appellant Larry DiMarzio hereby moves the Court for a 30-day extension of time in which to file his opening brief in the above entitled matter. Appellant moves for such relief pursuant to Rule 26(1) M.R.App.P.

Appellant notes that there are also two cross appeals in this matter, one by Crazy Mountain Construction, Inc. and one by F.L. Dye Company. Appellant moves that the dates for their opening briefs on their cross appeals also be extended by 30 days. In making this Motion, the undersigned states as follows:

1. Appellant's opening Brief is due May 20, 2010.
2. This is the first request for an extension of time in which to file his opening Brief. The undersigned needs additional time in which to complete the Brief given existing obligations in other matters.
3. The undersigned has contacted counsel for all of the other parties and they do not object to the foregoing requested extensions.

Based upon the above, the Appellant requests a 30 day extension from May 20, 2010 to June 21, 2010 (19<sup>th</sup> is a weekend) in which to file his opening Brief and that cross-appellants be provided the same 30-day extensions.

A proposed Order, together with self addressed stamped envelopes to counsel of record, have been included with this Motion.

Dated this 5<sup>th</sup> day of May 2010.

KASTING, KAUFFMAN & MERSEN, P.C.

By: 

John M. Kauffman, counsel for  
Attorney for Appellant Larry DiMarzio

**CERTIFICATE OF MAILING**

The undersigned hereby certifies that on May 5<sup>th</sup>, 2010, a true and correct copy of the foregoing APPELLANT LARRY DIMARZIO'S UNOPPOSED MOTION FOR EXTENSION OF TIME IN WHICH TO FILE BRIEF, was mailed, by U.S. Mail, postage prepaid, to the following counsel of record:

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